

Regular Session, 2008

HOUSE BILL NO. 1050

BY REPRESENTATIVE DOWNS

TRAFFIC/SPEED LIMITS: Provides for restrictions on the use of speed traps and related matters

1 AN ACT

2 To enact R.S. 32:63.2, relative to traffic regulation, fines and penalties; to provide for the  
3 investigation of traffic related enforcement practices of municipal law enforcement  
4 agencies; to provide for the designation of portions of certain highways for special  
5 traffic-related enforcement; to provide for reporting of traffic related violations; and  
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:63.2 is hereby enacted to read as follows:

9 §63.2. Excessive fine enforcement; investigation; determination; penalty

10 A. For purposes of this Section, the following words and phrases shall have  
11 the following meanings:

12 (1) "Local authority" shall mean the offices of independently elected or  
13 appointed public local officials, including mayors, city councils, parish presidents,  
14 parish councils, police chiefs, clerks of court, all parish governing authorities and  
15 all districts, boards and commissions created by parish governing authorities either  
16 independently or in conjunction with other units of government and municipalities,  
17 and all boards and commission created by municipalities, either independently or in  
18 conjunction with other units of government, city courts, quasi public agencies and  
19 all the agents or contractors thereof.

1           (2) "Local law enforcement body" shall include any enforcement body  
2           whose jurisdiction only includes a limited area of a parish and has the authority to  
3           write civil or criminal traffic citations within that area and all the agents or  
4           contractors thereof.

5           (3) "Minimal commercial or residential development" shall be defined as  
6           areas within the boundaries of and the outskirts of the municipality where there is  
7           sporadic development or light local traffic with egress to the highway or those  
8           portions of the interstate highway, federal-aid primary highways, or the state  
9           highway system with reduced speed limits which are reduced due to a local authority  
10          requesting the Department of Transportation and Development to reduce the speed  
11          limit in that spot.

12           B. A local law enforcement body whose jurisdiction includes portions of the  
13          interstate highway, federal-aid primary highways, or the state highway system shall  
14          not write civil or criminal citations for violation of speed limit laws and speed-  
15          related ordinances within the boundaries of and the outskirts of the municipality  
16          where there is minimal commercial or residential development or local traffic with  
17          egress to the highway.

18           C. (1) In each fiscal year, a local authority or local law enforcement body  
19          seated in a jurisdiction having a population of one thousand or less may retain, from  
20          finances collected for speed related violations of this title and speed related ordinances,  
21          an amount equal to thirty-five percent of the municipality's revenue for the preceding  
22          fiscal year from all sources, other than federal funds and bond proceeds. Amounts  
23          in excess of this limit shall be forwarded to the state treasurer for placement in the  
24          state general fund.

25           (2) In each fiscal year, a local authority or local law enforcement body seated  
26          in a jurisdiction having a population of greater than one thousand or less than three  
27          thousand may retain, from fines collected for speed related violations of this title and  
28          speed related ordinances, an amount equal to twenty percent of the municipality's  
29          revenue for the preceding fiscal year from all sources, other than federal funds and

1 bond proceeds. Amounts in excess of this limit shall be forwarded to the state  
2 treasurer for placement in the state general fund.

3 (3) In each fiscal year, a local authority or local law enforcement body seated  
4 in a jurisdiction having a population of greater than three thousand may retain, from  
5 finances collected for speed related violations of this title and speed related ordinances,  
6 an amount equal to ten percent of the municipality's revenue for the preceding fiscal  
7 year from all sources, other than federal funds and bond proceeds. Amounts in  
8 excess of this limit shall be forwarded to the state treasurer for placement in the state  
9 general fund.

10 D. (1) When it is suspected that a local authority or local law enforcement  
11 body is in violation of this Section, the legislative auditor shall investigate the law  
12 local authority or local law enforcement body as provided in R.S. 24:513, et. seq.

13 (2) Upon completion of the investigation, the legislative auditor shall submit  
14 a report of the results of the investigation to the attorney general.

15 E. (1) The attorney general shall notify the legislative auditor and secretary  
16 of the Department of Public Safety and Corrections in writing within sixty days of  
17 receipt of the report as to whether or not the enforcement practices of the municipal  
18 law enforcement agency are in violation of this Subsection B or C of this Section.

19 (2) Upon notification by the attorney general that the enforcement practices  
20 of the local law enforcement body are being conducted as designated in Subsection  
21 B, the secretary of the Department of Public Safety and Corrections shall designate  
22 those portions of the interstate highway, federal-aid primary highways or the state  
23 highway system for special traffic-related enforcement by the office of state police  
24 and issue a written notice to any local law enforcement agency affected thereby.

25 (3) Upon receipt of the notice described in Paragraph 2 of this Subsection,  
26 the affected local law enforcement agency shall not regulate traffic or enforce traffic-  
27 related statutes or ordinances upon such designated portion of interstate highway,  
28 federal-aid primary highways or the state highway system.

1           F. Should the attorney general determine the enforcement practices are being  
 2           conducted as described in the request received by the secretary pursuant to  
 3           Subsection B of this Section, the local authority shall bear the cost of the  
 4           investigation by legislative auditor and review by the attorney general.

5           G. The office of state police is hereby authorized to request assistance from  
 6           any other law enforcement agency in carrying out any duty imposed by this section.

7           H. The use of photographic speed violation monitoring systems or speed  
 8           vans is prohibited except along stretches of highways where there is a high volume  
 9           of traffic or frequent traffic accidents caused by motor vehicles traveling at high rates  
 10          of speed.

11          Section 2. The Department of Public Safety and Corrections shall adopt all necessary  
 12 rules in accordance with the Administrative Procedure Act to implement the provisions of  
 13 this Act.

14          Section 3. This Act shall become effective on July 1, 2009.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law [R.S. 1:13(B)] and do not constitute proof or indicia of legislative intent. [R.S. 24:177(E)]

Downs

HB No. 1050

**Abstract:** Prohibits the use of speed traps as a primary method of revenue for a local authority. Provides for method of investigation of local authority suspected of operating a speed trap. Provides the use of speed vans only to be used in certain areas.

Proposed law defined "local authority," "local law enforcement body," and "minimal commercial or residential development."

Proposed law prohibits local law enforcement bodies from writing citations for violations of speed limit laws in areas with minimal development.

Proposed law prohibits a local authority or law enforcement body from retaining certain levels of revenue from speeding tickets.

Proposed law provides for a method by which a local authority or local law enforcement body can be investigated when it is suspected it is operating a speed trap.

Proposed law provides for designation of certain portions of a highway to be designated for enforcement by the office of state police should a local authority or law enforcement body be found to be operating a speed trap.

Proposed law provides that if a local authority or local law enforcement body is operating a speed trap that they shall bear the cost of the investigation into their practices.

Proposed law authorizes the office of state police to request assistance in carrying out any duty imposed by this section.

Proposed law prohibits the use of speed vans except for areas with a high volume of traffic and in areas where accidents caused by speed frequently occur.

Proposed law authorizes the Department of Public Safety and Corrections to adopt all necessary rules in accordance with the Administrative Procedure Act.

Effective July 1, 2009.

(Adds R.S. 32:63.2)